

**FRONTIER COMMUNICATIONS**  
**CORPORATION,**

**Plaintiff**

**v.**

**BARRETT PAVING MATERIALS,**  
**INC., et al,**

**Defendants**

**Civil No. 07-113-B-S**

The United States Magistrate Judge filed with the Court on October 19, 2010, her Recommended Decision (Docket No. 253). Plaintiff filed its Objection to the Recommended Decision (Docket No. 255) on November 5, 2010. Defendant UGI Utilities, Inc. filed its Response to Plaintiff's Objection to the Recommended Decision (Docket No. 258) on November 18, 2010. In addition, Plaintiff filed an Appeal of the Magistrate's Recommended Decision (Docket No. 256). Defendant UGI Utilities, Inc. filed its Response to Plaintiff's Appeal (Docket No. 257).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED**.

2. It is hereby **ORDERED** that Plaintiff's Motion for Leave to Supplement Pleadings and Substitute Expert (Docket No. 247) is **DENIED**.
3. It is hereby **ORDERED** that Defendant UGI's Amended Motion for Summary Judgment (Docket No. 243) is **GRANTED**.
4. It is also hereby **ORDERED** that Plaintiff's Appeal of the Magistrate Judge's Recommended Decision (Docket No. 256) is **DENIED**.

/s/George Z. Singal

U.S. District Judge

Dated this 19th day of November, 2010.